

REMARKS

The above-captioned patent application has been carefully reviewed in light of the Office Action to which this Amendment is responsive. Claims 1, 4, 8, and 10 have been amended in an effort to further clarify and distinctly point out that which is regarded is as the present invention. To that end, no new matter has been added. Claim 3 has been canceled.

Claims 1-17 were pending. The Examiner has rejected Claims 1-4, 6-8 and 10-12 based on certain prior art, most notably Voroba (U.S. Patent No. 5,117,977) and Garde et al. (U.S. Patent No. 6,325,241). Applicants respectfully request reconsideration based on the amended claims and the following discussion.

Applicants gratefully acknowledge the allowability of Claims 5, 9 and 13-17 over the prior art record.

Turning to the prior art rejections, Claims 1-4, 6-8, 10 and 12 have been rejected under 35 USC §102(b) as being anticipated by Voroba '977. Applicants traverse the rejection.

First and in order to anticipate under the Statute, each and every claimed limitation must be found in the single cited reference. Those limitations that are not found must be notoriously well known in the field to one of sufficient skill.

Voroba '577 describes a package for retaining a plurality of compact hearing aid batteries, each of the batteries being retained within a slot provided on the package. The batteries are selectively removed using a removal tool from a predetermined slot on the package.

The slots themselves, however, are not configured to effectively retain a crystal for a processing apparatus. According to the present invention, the package includes a plurality of vertically disposed supporting slots in which each slot is configured to retain a crystal and permit its dispensing from the package without damage to the essential center active region thereof. To that end, each slot includes a wall having an inner wall that includes an inwardly directed recess to permit the crystal to be effectively supported at substantially the peripheral edges, but without

contacting the center active region. Moreover, the slot further permits a removal tool to have access to the crystal for removal thereof without contacting the center active region of the crystal.

Applicants have now amended Claim 1 to positively recite the crystals as part of the structure rather than by way of an intended use limitation. Claim 4 has also been amended in an effort to positively claim the removal tool as part of the intended claim structure.

As the Examiner has clearly noted, the cited reference to Voroba fails to contain crystals. Since Applicants now positively recite this structure, it is believed this reference cannot anticipate Claim 1, as amended, under the Statute. Claims 2, 4, 6-8, 10 and 12, being dependent thereupon, are believed allowable for the same reasons. Reconsideration is respectfully requested.

Claims 1-4, 6-8, 10 and 11 have been rejected based on 35 USC §102(b) based on Garde et al. '241. Applicants respectfully traverse as follows:

As previously noted, each and every essentially claimed limitation must be found in the single cited reference. Garde et al., as noted by the Examiner, is concerned with the dispensing and storage of tablets and not crystals, which are now structurally recited according to amended Claim 1. Because this reference does not include crystals and moreover because no means are provided for or suggested by this reference for protecting the center active region of a retained crystal, it is believed Claim 1, as amended, is allowable over the cited art. Because essential subject matter is contained in Claim 1 that is not found in the cited reference, there can be no anticipation under the Statute. Claims 2, 4, 6-8, 10 and 11, being dependent on Claim 1, are believed allowable for the same reasons. Reconsideration is respectfully requested.

Claim 10 has been amended due to the cancellation of Claim 3. Claim 8 has been amended to now depend from Claim 1 and to more clearly define the recess of the inner wall and the support of a crystal by means of a slot. Support for these changes are found, for example, in Fig. 7 and paragraph [0033] of the above-captioned application. Therefore, it is believed no new matter has been added.

Serial No.: 10/612,424
Amendment Dated: August 2, 2005
Reply to Office Action of May 25, 2005

In summary, it is believed the above-captioned patent application is now in an allowable condition and such allowance is earnestly solicited.

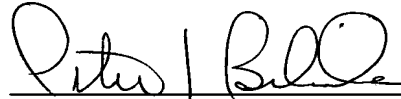
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Director is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By:

A handwritten signature in dark ink, appearing to read 'Peter J. Bilinski', is written over a horizontal line.

Peter J. Bilinski
Reg. No. 35,067

PJB/sca
Telephone: (315) 425-9000

Customer No.: 20874